

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
2002 Biennial Regulatory Review – Review of the)	MB Docket No. 02-277
Commission’s Broadcast Ownership Rules and)	
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Rules and Policies Concerning Multiple)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations in Local)	
Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244

ORDER

Adopted: October 29, 2002

Released: October 30, 2002

By the Chief, Media Bureau:

1. On September 12, 2002, the Commission adopted a Notice of Proposed Rulemaking (“*Notice*”) in the above-captioned proceeding.¹ The *Notice* commences the Commission’s third biennial review of its media ownership rules, including the local television multiple ownership rule² and the radio-television cross-ownership rule.³

2. The Commission has received two petitions related to ownership rules that are reviewed in the *Notice*. First, Entravision Holdings, LLC (“Entravision”) filed a petition for reconsideration⁴ of the

¹ *In the Matter of 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets*, FCC 02-249 (MB Docket No. 02-277), released September 24, 2002 (“*Notice*”).

² 47 C.F.R. § 73.3555(b).

³ 47 C.F.R. § 73.3555(c).

⁴ Petition for Reconsideration of Entravision Holdings, LLC, MM Docket Nos. 91-221 and 87-8 (filed Mar. 8, 2001) (“Entravision Petition”). Although the Commission invited additional pleadings on Entravision’s petition, (continued....)

Commission's second order on reconsideration in its proceeding revising the local television multiple ownership rule to permit parties to count toward the eight-station minimum in the voice test only those stations that have a Grade B contour that intersects at least one of the stations in the proposed merger.⁵ Entravision suggests that in revising the rule to count only certain stations in a Designated Market Area ("DMA") toward the eight-station "voice count" minimum, the Commission created "sub-DMAs." Entravision seeks further revision of the television duopoly rule to apply the rule independently to each sub-DMA.⁶ Second, Viacom, Inc. ("Viacom") filed a petition for rulemaking asking the Commission to initiate a proceeding proposing repeal of the radio-television cross-ownership rule.⁷ In the *Notice*, the Commission addresses whether and, if so, how to apply a voice count with respect to the local television multiple ownership rule and whether to retain the radio-television cross-ownership rule. Therefore, we will dismiss both petitions as moot, and treat them as comments filed in the biennial review proceeding.

3. Accordingly, IT IS ORDERED that the Petition for Reconsideration filed by Entravision Holdings, LLC on March 8, 2001 in MM Docket Nos. 91-221 and 87-8 and the Petition for Rulemaking filed by Viacom Inc. on May 23, 2002 ARE DISMISSED, pursuant to sections 4(i) and 4(j) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j).

4. IT IS FURTHER ORDERED that the Petition for Reconsideration filed by Entravision Holdings, LLC on March 8, 2001 in MM Docket Nos. 91-221 and 87-8 and the Petition for Rulemaking filed by Viacom Inc. on May 23, 2002 ARE INCORPORATED INTO the above-captioned proceeding as comments, pursuant to sections 4(i) and 4(j) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j).

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau

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none were received. See Public Notice, Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings, Report No. 2473 (Mar. 19, 2001).

⁵ *In the Matter of Review of the Commission's Regulations Governing Television Broadcast, Television Satellite Stations Review of Policy and Rules*, MM Docket Nos. 91-221 and 87-8, Memorandum Opinion & Second Order on Reconsideration, 16 FCC Red 1067 (2001).

⁶ Entravision Petition at 2-3.

⁷ Viacom, Inc. Petition for Rulemaking, (filed May 23, 2002) at 1.